

**REMARKS**

This is in full and timely response to the Office Action dated November 10, 2004. Reexamination in light of the following remarks is respectfully requested.

Claims 1-2, 4-5 and 7-16 are currently pending in this application, with claims 1-2, 4-5 being independent. *No new matter has been added.*

**Allowable subject matter**

Appreciation is expressed for the indication that claims 2 and 5 are allowable over the prior art.

**Rejection under 35 U.S.C. §112**

Claims 1 and 4 were rejected under 35 U.S.C. §112, first paragraph.

This rejection is traversed at least for the following reasons.

In response to this contention, "a specification disclosure which contains a teaching of the manner and process of making and using the invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as in compliance with the enabling requirement of the first paragraph of Section 112 unless there is reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support" (emphasis added). *Fiers v. Revel*, 25 USPQ2d 1601, 1607 (Fed. Cir. 1993).

The Office Action contends that the feature found within claims 1 and 4 of the support surface of the circular shell of the run-flat support member "*contacting a part of beads*" of the tire is not found within the specification as originally filed.

In response to this contention, “section 112 requires only an objective enablement; the invention needs to be sufficiently disclosed through illustrative examples or terminology to teach those of ordinary skill in the art how to make and how to use the invention as broadly as it is claimed” (emphasis added). *Musco Corp. v. Qualite Inc.*, 41 USPQ2d 1954 (Fed. Cir. 1997). See also M.P.E.P §§2164.01, 2164.04. “The applicant does not have to utilize any particular form of disclosure to describe the subject matter claimed.” *In re Alton*, 37 USPQ2d 1578, 1581 (Fed. Cir. 1996).

Claims 1 and 4 include the feature of *a run-flat support member constituted of a circular shell within a cavity of a pneumatic tire, the circular shell having a pair of leg portions attached to a support surface, the support surface extending in a tire circumferential direction and contacting a pair of beads*. Figure 1 of the specification as originally filed depicts support surface 4a (specification at paragraph [0019]), and additionally depicts beads 20 (specification at paragraph [0020]). As shown within figure 1, leg portions 4b and 4b are provided along each end of the support surface 4a (specification at paragraph [0019]). As such, the portion of the support surface 4a that is joined to leg portion 4b is also in contact with a bead 20.

Withdrawal of this rejection is respectfully requested.

### **Rejection under 35 U.S.C. §102 and §103**

Claims 1, 4, 8-10 and 13-15 were rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 4,281,701 to Ross.

This rejection is traversed at least for the following reasons.

Ross arguably teaches a vehicle tire having run flat insert having an outer ring member 1, support braces 2, flexible non-extensible bead wires 4, beads 6, and recesses 7 formed in the tire beads (figure 2). Nevertheless, the outer ring member 1 extending in a tire circumferential direction and contacting a pair of beads 6 is absent from within Ross. Please note that the Office Action fails to account for this feature.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 7 and 12 were rejected under 35 U.S.C. §103 as allegedly being obvious over Ross in view of U.S. Patent No. 6,463,976 to Glintz et al. (Glintz).

This rejection is traversed at least for the following reasons.

Ross arguably teaches a vehicle tire having run flat insert having an outer ring member 1, support braces 2, flexible non-extensible bead wires 4, beads 6, and recesses 7 formed in the tire beads (figure 2). Nevertheless, the outer ring member 1 extending in a tire circumferential direction and contacting a pair of beads 6 is absent from within Ross. Please note that the Office Action fails to account for this feature.

Glintz arguably teaches a ring body 3, 22 (Glintz at figures). However, Glintz fails to disclose, teach or suggest a support surface extending in a tire circumferential direction and contacting a pair of beads. Instead, Glintz arguably teaches the ring body 3, 22 contacting supporting elements 4, 5, 25, 26 (Glintz at figures).

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 11 and 16 were rejected under 35 U.S.C. §103 as allegedly being obvious over Ross in view of U.S. Patent No. 6,311,752 to Hojo et al. (Hojo).

This rejection is traversed at least for the following reasons.

Ross arguably teaches a vehicle tire having run flat insert having an outer ring member 1, support braces 2, flexible non-extensible bead wires 4, beads 6, and recesses 7 formed in the tire beads (figure 2). Nevertheless, the outer ring member 1 extending in a tire circumferential direction and contacting a pair of beads 6 is absent from within Ross. Please note that the Office Action fails to account for this feature.

Hojo fails to disclose, teach or suggest a support surface. Thus, Hojo fails to disclose, teach or suggest a support surface extending in a tire circumferential direction and contacting a pair of beads.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

### Conclusion

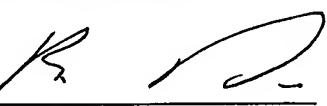
For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

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